

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



JEREMIAH S.,

Plaintiff

v.

CIVIL ACTION NO. 2:22cv490

**MARTIN O'MALLEY
COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,**

Defendant.

ORDER

Before the Court is the Magistrate Judge's Report and Recommendation on Jeremiah S.'s ("Plaintiff") complaint for judicial review of the final decision of the Commissioner of Social Security ("Defendant") denying Plaintiff's claim for disability insurance benefits under Title II of the Social Security Act. On February 6, 2023, this matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. Section 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for a report and recommendation. On February 6, 2023, Plaintiff was directed to file within 30 days a Motion for Summary Judgment with memorandum supporting his contentions and containing a state of undisputed facts. (ECF No. 8). On March 3, 2023, Plaintiff filed a Motion for Summary Judgment and accompanying memorandum. (ECF Nos. 9 and 10). On March 31, 2023, the Commissioner filed a cross-Motion for Summary Judgment and accompanying memorandum. (ECF No. 11 and 12). On February 1, 2024, the Magistrate Judge filed his report recommending that Plaintiff's Motion for Summary Judgment be


DENIED, that Commissioner's Motion for Summary Judgment be ***GRANTED***. By copy of the report, each party was advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge. The Court has received no objections to the report and the time for filing the same has expired.

The Court does hereby ***ACCEPT*** the findings and recommendations set forth in the report of the United States Magistrate Judge filed February 1, 2024, and it is therefore ***ORDERED*** that the Plaintiff's Motion for Summary Judgment is ***DENIED*** and the Commissioner's Motion to Dismiss is ***GRANTED*** and this case is ***DISMISSED***.

The Clerk shall mail a copy of this final Order to counsel for the parties.

IT IS SO ORDERED.

Norfolk, Virginia
February 28, 2024



Raymond A. Jackson
United States District Judge